

# THE EXAMINER.

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## THE POLITICAL EXAMINER.

Party is the madness of many for the gain of a few. SWIFT.

No. 163.

### FAILURE OF LORD HOLLAND'S MOTION RESPECTING EX-OFFICIO INFORMATIONS.

If any thing was wanting to stimulate the just and constitutional jealousy which the people of this nation entertain of men in power, it would have been amply supplied by the failure of Lord HOLLAND'S motion on Monday last. To ask for a list of the informations filed *ex-officio* for the last ten years, seems one of those reasonable and undeniable requests, which one party cannot decently refuse another; and his Lordship, well acquainted as he is with the little propensity such parties have to mutual obligation, confessed that he had at first anticipated no opposition whatever. The Noble Lord however does not seem to have been aware to what an extent has spread that terrible state-disorder, which becoming every day more irritable in blood and more distorted in feature, has risen to what may be called an absolute *Exetasophobia*, or Horror of Inquiry. So completely has this sore disease taken possession of all ranks of people in power, that the smallest approach of investigation,—the least hint towards examining their condition and seeing what face they can put upon the matter, shocks them as much as a lauthorn does a parcel of bats, or moonlight a set of marauders, or day-light a coarse featured fine lady.

The principal objects of the motion, as stated by the Noble Lord, were, 1st. to see what effect upon public libels had been produced by the *discretionary* power entrusted to the ATTORNEY-GENERAL to file informations;—2d, to discover in how many instances this power, as he conceived, had been abused;—and 3d, to propose to the consideration of the House certain Resolutions, restricting informations to a definite time after the publication of the alleged libel, compelling the ATTORNEY-GENERAL to bring the matter to trial within a definite time, and in fine, repealing the late Act of Parliament which enabled that Officer to hold any person to bail at his own discretion. His Lordship, in the course of his speech, touched upon many important topics connected with the subject, such as the corruption of Special Juries, the indefinite nature of libel, &c. &c. but for the present it is sufficient to notice its main point. The motion was opposed upon the ground, that no case of abuse had been brought forward as a "foundation" for it. To this it was answered, that the extraordinary increase of informations,—the simple fact of there having been nearly four times the number, during the last three years, of what there had been the preceding

six,—was of itself sufficient reason for inquiring into the matter; and certainly, to persons of ordinary understandings, who think that inquiry is for the satisfaction of a proper vigilance as well as for the punishment of known abuse; nothing can be clearer;—but the Ministers, and the Law Officers who were present, with the exception of Lord ERSKINE, thought otherwise; and upon the single ground abovementioned, fortified with sundry hints against wrong motives and inflammatory speeches, the motion was defeated by a majority of twenty-four to twelve. According to the report in the newspapers, some curious arguments were brought forward by the Learned and Noble Lords, who opposed the motion. Lord HOLLAND had quoted the opinion of DUNNING, Lord ASHURTON, as unfriendly to *ex-officio* informations, and regarding them as "practised only for the purposes of *abuse*." This opinion annoys my Lord ELLENBOROUGH, who informs the House that "that great lawyer always acted with Lord THURLOW, when Attorney-General, in prosecutions upon such informations," and that "*whatever his opinions were, it is certain at least that he took the fees*." My Lord ELDON, in the course of his panegyrics upon the conscientiousness and consistency of his legal brethren, goes a step farther, and triumphantly assures us, upon his own experience, that unpopular as these informations may be at first to the young men at the bar, "he afterwards found, somehow or other, that when those very men were employed by Government and taken into consultations, all the odiousness of the practice vanished from their eyes!" Delicious reasoning, truly! What does either of these pieces of information prove at best, but that even "great" lawyers may take fees to act against their conscience; and that men, as they grow old and get into employment, are too apt to lose the disinterestedness and virtuous ardour of their youth? Will the Attorney-General, after these confessional touches, venture to repeat his anathemas against "filthy lucre," or persist in believing that public writers, who are not yet grown old, have no feeling of public virtue? We entreat him to wait till we are as old as my Lord ELDON, and till we are employed and enriched by the givers away of places.—Unless the speeches of the Learned Lords above-mentioned are horribly misrepresented, they certainly do exhibit a great deal of wrong and partial feeling on the subject of public men; and go near to revive the old aristocratic doctrine, that great men ought not to be taken to task for common grievances, and that common men can have no right to complain but of the greatest oppression. "The substantial interests of the public," says the Lord Chancellor, "require,"—what?—that persons who held offices of trust should act scrupulously and be scrupulously watched?—No;—but "that the public should give every prima facie

presumption that persons who filled offices of trust, particularly those relating to the administration of the laws, discharged them with fidelity and integrity;" and that "no clamours should be excited against them, except in such cases of aggravated misconduct as called for the severest punishment." This beautiful opinion, which like the other opinions of the men in power, judiciously places the semblance of things before the substance, can want no comment: it has the best of all comments in his Lordship's political life, and even then must be allowed to make liberal concessions.—The ideas of Lord ELLENBOROUGH respecting actual oppression seem quite as extensive. It was his Lordship's great complaint on Monday night, that the Noble Mover brought forward no instance of abuse in the exercise of the laws, and he gives us to understand what he conceives by abuse by instancing *one single act of "great oppression"* which he expected to hear on the occasion. "From the argument of the Noble Lord," said he, "one would be led to suppose that he had to state great instances of oppression; that men had been hurried off to prison at a moment's notice: and, in short, that liberty was at an end. Now it so happened that there was but one solitary instance of a person being seized by a Judge's warrant, and that was where he had the hardihood to republish that which was libellous." This, therefore, according to the report, is the amount of my Lord Chief Justice's ideas of what might have furnished the subject of complaint. It is nothing, in his eyes, that informations for libel have enormously increased within the last few years: it is nothing, in his eyes, that men are put to great inconvenience and expense upon the strength of their innocence; that the Attorney-General can, in fact, levy a fine on whomsoever he pleases to annoy; and that he can keep the sword of the law hanging over and menacing the heads of those who are obnoxious to his employers:—all this is nothing, or at best it is a petty obstruction not worth mentioning,—the loss of a glove or a stick, or the treading of a shoe down at heel:—a man must be absolutely "hurried off to prison at a moment's notice," snatched away from his home and friends, perhaps in the middle of night, before any public-spirited man in the Parliament ought to venture, in the politest terms he can collect, to request to be allowed some little explanation on the subject!—This it is to have been bred up in ease and affluence, and in the habit of contemplating misfortune with legal eyes. His Lordship, accustomed to enjoyment, and long inured to the bar, can find no oppression worth mentioning but the greatest of all oppressions: he thinks that nobody ought to be roused by any thing under a lettre de cachet, or a shock given to his whole house and family; and yet, the moment his own feelings are touched in the slightest manner, he gets out of temper!

But setting aside the philosophy of the Learned Lord, and the "forbearance" facetiously attributed to the ATTORNEY-GENERAL by other Learned Lords, it is very clear, that however comfortable in their eyes, and legal

in every body's eyes, the informations *ex-officio* may be, the way in which they are at present exercised is both grievous and illegal, such as the ATTORNEY-GENERAL is not warranted to put in practice either by law, justice, or decency. The power of holding any man to bail, of putting him to expense, and filling himself or his friends with anxiety, has, at least, so natural a tendency to abuse, that it ought to be exercised with every possible liberality, particularly in point of dispatch; that is to say, the object it singles out for trial ought, in common justice and humanity, to have as little punishment as possible *before trial*, much more before conviction and while conviction at best is doubtful. Now the way in which the ATTORNEY-GENERAL acts at present, is, in many instances, the very reverse of this. He informs you, a long time after the piece in question is written, that he intends to proceed against such and such a paragraph: this intelligence fills some people with anxiety, and if it does not so affect others, it affects their kindred. You consult with your attorney and counsel, and here a set of inevitable expenses commence, which in the end, may amount to more than a hundred pounds, and seldom fall short of 70 or 80. The expense, if you have no command of money, and particularly if you are already struggling against other hardships of the same nature, is unquestionably a great grievance; and the least expectation you ought to have in consequence, is that the charge against you will speedily be brought to issue. Not so:—the business is delayed for weeks, sometimes for months, and after all, perhaps, it is absolutely dropped, and never brought into Court:—the ATTORNEY-GENERAL has put you to expense, has done his best to harass your mind, and then thinks it prudent to leave you to your meditations. Is it likely, that in such a situation, we should have a grateful recollection of his kindness, or a vivid idea of the advantages attending his power? The Learned Lords may see nothing very shocking in these circumstances, but as SAMSON said to the gigantic bully who came to insult him when in chains, and to affect a doubt of his strength,

"The way to know is not to see but taste."

*Sams. Agonist.*

I would not answer for my Lord ELLENBOROUGH's temper in such a situation, much less would I answer that my Lord ELDON would not shed more tears than ever he did at commemoration dinner, and wonder at the Servants of his "gracious Master." We do not speak without experience; not indeed as to being ill-tempered or lachrymose, but as to the facts of the above account. The *Examiner* has now been established three years, and in the course of that period, it has been thrice attacked by Sir VICARY GIBBS with an information *ex-officio*;—an information a-year.—SMART, a minor poet, was so confident, when at Cambridge, of obtaining the yearly prize given to the best poem, as he did in fact till there was a confederacy to write against him, that he was accustomed to reckon upon it as a part of his income; as thus perhaps,—“There is my allowance from

college, my other allowance from so and so, and my annual prize poem." Reversing this kind of anticipation, we might say in like manner,—“There is our expense for paper and printing, our miscellaneous charges, and our yearly assault from the ATTORNEY-GENERAL.”—If the *Examiner* had not increased in readers as it increased in age, we do not hesitate to say, that these Informations would have effected their purpose and stopped the Paper. But the same honesty and consistency that brought down the arm of power upon our heads, has enabled us not only to resist it, but even in some measure to render it's attacks ridiculous. The first information was against an article attacking the Duke of York for the very faults which afterwards drove him from his situation as Commander in Chief. Luckily, the same subject was brought into Parliament a short time after the indictment; and it was the consequence just mentioned, we suppose, which induced the ATTORNEY-GEN. to hold his tongue about it, or we might have gone to prison for saying what was universally said, a few weeks after, by the whole nation. Thus the first indictment, after costing 99l. 13s. 4d. was dropped. The second, was on account of a paragraph stating that “of all the Monarchs since the Revolution, the Successor of GEORGE the Third would have the finest opportunity of becoming nobly popular;” which paragraph was copied by Mr. PERRY into the *Morning Chronicle*, and afterwards successfully defended by himself in the Court of King's Bench. The success of this gentleman prevented the trial proceeding against the original author; and thus the second indictment was in a manner dropped also, after costing us a similar sum. With the third, the public acquaintance is still fresh; and thus a third time has Sir VICARY been unable to convict us, and a third time shall we have paid the customary fine for being guiltless, amounting probably to a further sum of one hundred pounds.—I know not what any learned Lord might say to this exact statement; but it is currently reported, and very confidently believed, that if some learned Lords are apt to lose their temper at trifles, others cannot bear to lose temper or trifle either.

Of the custom, which condemns all persons indicted by the Crown to pay their own costs, whether convicted or not, nothing need be said at present.\* It is a maxim in law, it seems, that the King pays no costs; it is held derogatory from his dignity;—but without stopping to inquire whether the payment of costs could not easily be shifted to less dignified shoulders, it appears to people in general, that where the King is a party, it is much less dignified that he should put a subject to expense than that he should bear it himself: it seems to them as much a debt as any which can be owing to a person whose house is injured or fences broken down; and though there may be, and is, real dignity in the discharge of one's own debts, they cannot imagine what possible dignity there can be in making others

incur debt for nothing. Be this as it may, it is quite clear that if expense is to be inflicted, it is at least incumbent on those who have the power to do so, not to inflict it wantonly. One would think that after being defeated in two attempts, and for aught we know, in two and twenty attempts, to annoy people in this manner, the very shame of the thing would induce the ATTORNEY-GENERAL to be extremely slow and cautious in making another; and there appears to all liberal men something so vexatious and unwarrantable in the contrary, that Lord HOLLAND is understood to have stated on Monday night, that were it not for the probable effects of such a motion upon the main question, and for the estimable qualities which the ATTORNEY-GENERAL was said to possess in other respects, he felt inclined to move a censure on that Officer. The forbearance does his Lordship and his cause great credit; and if we can in any way regret the praise which was given on this occasion to the private character of the ATTORNEY-GENERAL, it is because we had not the start of his Lordship in doing the same piece of justice. Whatever the temper of that gentleman may be, his perfect freedom from pride, and his practical charities in private, are the panegyric of all who know him intimately; and it is a gratification to us, which we neither conceal nor affect, to be enabled to state this to our readers upon an authority, which was sincere, because it was grateful; and which could have no design, because it knew not the persons to whom it spoke. Thinking however that temper and disposition are not such distinct things as some persons would have them considered, we confess that we were not altogether without our surprise on the occasion; and we now think, more than ever, that the air of persecution and subserviency which the public conduct of Sir VICARY bears, is utterly unworthy of him. Sir VICARY may affect to be equally above our censure and our praise; but in fact he is above neither. His ill-temper,—at least his public ill-temper, will not suffer him to be above the one; and his good qualities must teach him to value the acknowledgment of the other.

This subject has dropped for the present in the House of Lords, but it is to be hoped that it is yet to come, in more ways than one, into the House of Commons; and at any rate, the people, from whom British Juries are made, will not easily lose sight of it.

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A letter was on Friday morning read in the Stock Exchange, from the Chancellor of the Exchequer to the Governors and Directors of the Bank, stating it to be his intention to submit to Parliament, early in the ensuing week, a proposal to fund a sum not exceeding 12,000,000l. of Exchequer Bills, of such as are dated from the 1st of April 1810, to the 16th of March 1811;—each 100l. Exchequer to have 103l. 14s. Navy 5 per cents.: the interest to commence thereon from the 5th of January last, and the interest on the Exchequer Bills to cease the 9th of April, 1811.

\* See remarks on this subject in Vol. 3, No. 115, pp. 145, 146.

## FOREIGN INTELLIGENCE.

## FRANCE.

PARIS, FEB. 24.—The Empress, though in the ninth month of her pregnancy, attended mass to day in the Chapel of the Palace of the Tuilleries. It is thought that her Majesty, as the time of her confinement is so near, will no longer go out of her apartments: she is extremely well, and has not sustained the slightest indisposition.

The *Moniteur* of Feb. 26 contains the Speech delivered to the British Parliament in the name of the Prince Regent.—On the following passage,

“In Portugal and at Cadiz, the defence of which constituted the principal object of his Majesty’s exertions in the last campaign, the designs of the enemy have been frustrated hitherto,” the Official Journal has the following Notes:—

“It was only a year ago that the English Government aimed at nothing less than repelling the French from Madrid, and driving them beyond the Pyrenees. Now it is Portugal and Cadiz which constitutes the principal object of its exertions:—we flatter ourselves that in the Speech of 1812, his Majesty will have equally succeeded in the principal object of his exertions; because at that time Portugal and Cadiz will not be the principal objects of his exertions, but the defence of Gibraltar. The designs of the enemy, you say, have been frustrated in Portugal. Should it have so happened, that they had made a landing at Edinburgh; that after taking possession of Scotland, Northumberland, &c. it had driven your armies before it for 15 days at the point of the bayonet; that prudently retreating with the torch in the one hand, and the steel in the other, you had devastated your plains, destroyed your cattle, your farms, your parks, your country-seats; that having arrived, &c. at the heights of London, resting one wing on the sea and the other on the Thames, posted on desert and inaccessible mountains, fortified with 1500 pieces of heavy artillery, thirty-six, twenty-four, and eighteen pounders, drawn from your ships and arsenals, and having your flanks so covered that it was impossible to turn you and cut you off from the sea, would you then boast that you had defended England? But the inhabitants of Essex, Middlesex, &c. would tell you, that to burn and destroy a country is not to defend it; that London is not the frontier to an army which comes from Scotland; that to take a position eighty leagues from the frontiers, leaving the enemy master of three-fourths of the country, is neither a measure of defence nor a proof of strength. This is the way, however, in which you have defended Portugal. You have abandoned Almeida, Ciudad Rodrigo, Olivenza, and Campo Mayor, and suffered 25,000 of your allies to be taken; you have surrendered the country between the Minho, the Douro, and Mondragone—between Beira and the Tagus; you have burned and laid waste; and still you have the impudence to say that the defence of Portugal, the principal object of his Majesty’s exertions, has been accomplished, and the designs of the enemy have been frustrated. May Wellington one day defend England in the same manner.—An army of 60,000 English encamped upon the heights of Lisbon, obliged to procure from London even the very straw they want; England obliged to keep at the mouth of the Tagus 800 transports and 20,000 sailors; having to subsist not only 80,000 soldiers or sailors, but 400,000 men, women, and children besides, who have taken refuge at Lisbon, and concentrated themselves in one point; being, moreover, obliged to support all this expense, with the course of exchange which has fallen 33 per cent. gives to France already all the advantages she could desire from the present contest. It is part of the Continental system, which diminishes on one side your revenues by reducing your commerce, and on the other increases your expense by compelling you to maintain armies in Sicily and at Lisbon. It is, in vulgar language, to burn the candle at both ends. In the mean time, the French army, according to its fundamental law, subsists on the country upon which it makes war, and only costs us its pay, which we should be obliged to

supply wherever it was. In short, if Massena, having received his reinforcements and his heavy artillery, should be inclined to advance upon, after having silenced, your batteries; or if you yourselves, rendered impatient by this ruinous contest, march against him, what will be the consequences? If you are victorious, you will derive no advantage from it, for you will have scarcely made two marches before you are met by new armies. If you are conquered, you are lost. The loss of 60,000 men to England is as great as that of 500,000 to France.—We are ignorant of the intentions of the Cabinet of the Tuilleries; but we wish with all our heart, that the Prince of Essling may manoeuvre instead of attacking you, and by so doing keep you some years where you are. The consequences would be, you would add 100 millions more to your debt, and we should be certain of the more complete submission of the Peninsula. When the question is about a great extent of Continent, what are a few years? All the nations who have been subjugated, have defended themselves for several years; you alone have exhibited the solitary instance in history, of a nation conquered in one battle; and so subjugated by the Normans your conquerors, that your laws, your customs, every thing was torn from you by a single victory.”

## SPANISH AMERICA.

CARACAS, DECEMBER 18.—Gen. Miranda arrived here a few days since, and was received with that enthusiastic affection to which he is so justly entitled. A great number of the first citizens went down to Lagaira, to escort him to his native place, which he entered about noon on Thursday last, mounted on a beautiful white charger. He was accompanied by the Governor, and a numerous cavalcade of gentlemen of the first distinction; and followed by an immense crowd of citizens, who greeted his return.—His reception by the Junta was equally cordial. After which he proceeded to the house of Don Simon Bolivar, late a Deputy in London. His arrival has spread general joy. The people have completed their election of the Deputies who are to form the Provincial Congress, which will meet in about a month.

Colonel Bolivar has furnished the Government of the Caracas with an Official Note, the substance of which is as follows:—

## CIRCULAR,

Directed by the Minister of the Colonies of Great Britain, to the Commanders of the English Antilles.

“His Britannic Majesty does not consider himself bound by any arrangement to maintain any part of the Spanish Monarchy against another, on account of any differences of opinion on the form on which their respective systems of Government shall be regulated, provided they acknowledge the lawful Sovereign, and oppose the usurpation and tyranny of France. His Britannic Majesty offers himself as a Mediator in all differences which may exist, on the principles of justice and equity.”—The Note is concluded as follows:—“You will use every necessary means to support those Governments, whatsoever they may be, against the attacks and intrigues of the Tyrant of France. Understanding that the union of all parts of the Spanish Monarchy must be considered the most proper, to effectuate the necessary resistance against the common enemy, in whatever point of view, his Majesty considers them of right entitled to the protection of Great Britain, on two grand principles, previously established, viz.—Fidelity to their lawful Sovereign, and resistance to the usurpation of France.

(Signed)

“LIVERPOOL

“SIMON BOLIVAR.”

Caracas, December 7, 1810.

## PROVINCIAL INTELLIGENCE.

SOMERSET COUNTY MEETING.—A Meeting of the Freeholders of Somersetshire took place at Wells, on Monday last,

in order to vote an address to the Prince Regent. Mr. HENRY HUNT, a gentleman equally distinguished for his powers of oratory and his attachment to the cause of Reform, said, that in the present situation of things it was quite impossible to approach the Regent with a congratulatory address. No; the country must complain to him of the system, which is as hostile to his Throne as to their rights—which within the last twenty years has augmented the national debt from 200 to 800 millions, the yearly expenditure from 20 to 80 millions per annum—which has doubled, nay, quadrupled, the price of every necessary of life—a system of ill planned warfare, which has wantonly, and too often ingloriously, sacrificed so much of the best blood of the empire—a system begun under the auspices of that 'heaven-born Minister,' that great man, now, thank God, no more!—(Hear, hear! with strong murmurs of disapprobation)—a system which has imposed an income-tax of ten per cent. (strained as the cord of taxation had been before), and reduced three millions of our population, exclusively of Ireland, to the wretched alternative of either starving, or dragging on a lingering existence in our workhouses.—After a variety of other strong observations, Mr. Hunt concluded with reading and moving an appropriate address.—A Debate ensued.—Mr. JONES BURDETT, Mr. POWER, and Mr. WADDINGTON, supported Mr. Hunt's address.—Sir JOHN COX HIPPLESLEY, Sir THOMAS ACKLAND, the Rev. W. STEEL, and Col. HORNER, opposed it as ill-timed, injudicious, and indelicate.—At length an Address produced by Col. Horner was voted, instead of the one originally proposed, and the Meeting separated.—There were about 300 persons present.

An extraordinary circumstance happened early on Sunday morning, the 24th ult., to the passengers of the Boston coach. About 2 o'clock, the coach having just passed through Caxton, the passengers were alarmed by reiterated cries of "murder," which proceeded from the house of Mr. Merry, situated about a quarter of a mile from any other dwelling. The cries became more loud and frequent as the coach approached, and induced the driver to run up close to the house and stop; immediately upon which, a ruffian rushed out and fired a pistol at him, happily without doing any mischief. It turned out that the inmates of the house, a man and four females, having discovered that five robbers were in the lower rooms, in one of which they were blowing a fire, preparatory to their making tea; and being in no condition to contend with such a gang, vociferated "murder" from the windows, and induced the coachman to stop. In the darkness of the night, the villains escaped.

On Friday se'night, the huntsman and whipper-in of Sir John Dashwood King were found dead in their beds, at his hunting-seat at Bourton-on-the-hill, Gloucestershire. It appears that on retiring to bed the preceding evening, conceiving the room where they slept rather damp, they had taken up with them some live coals in an open coal-scuttle, which they left in the middle of the room: but the place having no chimney, and being closely shut up during the night, they must have been suffocated from the effect of the sulphuric gas. One of them was found in a sitting posture in bed, as if he had been awake by the oppression of his breath; but doubtless at the moment he was too much overcome either to effect his escape or create alarm.

A Daily Paper says,—“The respectable landlord of an inn, not many miles from London, became, last week, the subject of a practical joke, the consequences of which are likely to become somewhat serious. A Noble Buck, in one of those moments of jocundity when a blood is “up to any thing,” took it into his head that it would be high fun to smoke the landlord. The execution of this ingenious thought was not less rapid than the conception. The application of fire to the cloaths of the unhappy landlord produced a smoke, which soon increasing to a flame, his existence was preserved only by the timely discovery of this practical joke by the waiters, who rescued their master from a situation of imminent peril, though not until he had suffered most severely. He still continues in a dangerous state.”

A melancholy accident occurred on Saturday week, in George's-square barracks, Plymouth-Dock. As the recruits of the 1st Somerset Regiment of Militia were firing blank cartridge, for exercise, the musket of a front rank man burst, about a foot from the breech, tore off his thumb, and shattered his hand to pieces; killed the third man on his right, a splinter of the barrel having entered his skull; and wounded the two men right and left of him. He is supposed to have had a number of cartridges in his piece; either through inattention or ignorance, it being the first time he had attempted firing.

## IMPERIAL PARLIAMENT.

### HOUSE OF LORDS.

Monday, March 4.

#### INFORMATIONS EX-OFFICIO FOR LIBELS.

LORD HOLLAND said, he did not mean to question the legality or the necessity of the existing power of filing *ex-officio* informations for libel—it was only the abuse of that power which he deprecated, and upon this ground only did he propose inquiry. There were three modes of proceeding in cases of libel—by civil action,—by indictment,—and by informations *ex-officio*.—The first was only between man and man. In the second, no man could be put upon his trial till sufficient proof as to the necessity of the proceeding was produced before twelve men upon oath, called a Grand Jury. But when the Attorney-General filed an information *ex-officio*, (by right of office) he was brought to trial without any other formality, just as if a true bill had been found against him by a Grand Jury.—Blackstone, whose book might be considered as a panegyric on the British Constitution, declares that *ex-officio* informations should only be resorted to when the misdemeanours are so enormous as to threaten the destruction of Government, and so urgent, that not a moment's delay should intervene between their suppression and punishment. It necessarily followed therefore, that when such danger and urgency did not appear, the proceeding was a most flagrant abuse of power.—Would any man venture to assert, that the libels lately prosecuted were of such a description?—Were they of a nature to threaten the very existence of the state?—In the six years, from 1801 to 1806, only fourteen informations had been filed; while in the three succeeding years, there had been no fewer than forty-two!—Out of that number, only sixteen had been convicted. Have thirty-six of these enormous crimes, then, been suffered to pass unrepressed without danger to the country? Such practices involved the grossest absurdities.—During the time Sir Arthur Pigot held the office of Attorney-General, he filed only one *ex-officio* information for libel,—a libel of the most atrocious nature, which had appeared in the *Morning Post*, a paper distinguished for its unvaried support of every ministerial measure. In that case, judgment was suffered to go by default, yet the offender was never brought up for judgment by the successor of Sir Arthur (Sir Vicary Gibbs). It would be the height of stupidity not to see how such a power may be abused, for the most petty purposes. It was doubtless proper that Judges should be allowed a power to confine persons in different prisons: but then that power ought not to be used to aggravate, but to lessen the punishment; and to aggravate it must in every instance be the case, when men were removed to a great distance from their friends and occupations. The mode of trial, too, in such cases, by *Special Juries*, was less favourable to the subject, and not so conformable to the spirit of the Constitution. They were not allowed in capital cases, and why should they be in those of libel? This alone was a sufficient ground for inquiry—for the administration of justice should not only be pure, but unsuspected even. The only object of all punishment was example; but it now often happened, that by the mode adopted, the evil consequences of a libel were increased by its greater publicity. Informations should not be filed against periodical publications after a certain period: it only added to the mischief.—The Attorney-General should be compelled to proceed instantly, or to enter a *nolle prosequi*; and when conviction ensued, judgment should

was immediately.—Persons had been exposed to very heavy expences (each about 100l.) on informations which the Attorney-General had never brought to trial; such individuals had the strongest claims for redress. All these things called loudly for inquiry.—Much of late had been said of the licentiousness of the Press; but if our best classical writers were to be examined, it would plainly appear that their works contained much stronger censure upon public men and measures, than what is now looked upon with such horror and punished with such severity. Who would now venture to allude to public justice and a private individual as Pope had done in the following line:—

“Hard words and hanging, if your Judge be Page.”

The practice he condemned, and which he was anxious to remedy, only tended to degrade the press. It is quite idle to say the licentiousness of the press would pave the way for a foreign enemy. Did the licentiousness of the press in France enable the Noble Secretary (Liverpool) to march to Paris? No; a free press will ever be found among the most powerful engines in resisting foreign aggressions and invasions.—Lord Holland concluded by moving for a List of all the Informations which have been filed *ex-officio* from 1801 to 1811, together with Copies of the Proceedings had in consequence.

Lord ELLENBOROUGH thought that some grounds should be shewn why such a motion was necessary; but he had heard none. No instance of abuse of power had been brought forward; the only one referred to was an act of *lenity*, in the case of the *Morning Post*. The power of proceeding by information was almost as ancient as any branch of the Common Law; its legality was unquestionable. He altogether disapproved of the practice of coming forward with discussions upon trivial or no grounds, thus mischievously inoculating the public mind with unsound opinions. Nothing tended more to the preservation of our liberties than to defend the laws against unfounded clamour and rash assertion. He should oppose the motion.

Lord STANHOPE supported the motion.

Lord ERSKINE was of opinion that the same advantages should be allowed persons charged with libel as those capitally indicted. With respect to Special Juries, he thought the system extremely defective. On the part of the defendant, there was nothing like the choice of his Jury. Special Jurors were mostly connected, some way or other, with the Government, yet by such men were the persons arraigned by Government to be tried!

The LORD CHANCELLOR said, that the person who now held the office of Attorney-General, whom he sincerely respected, had been much misrepresented. *No public Officer, holding the same situation, had ever displayed a larger portion of MILDNESS and FORBEARANCE!*—(Hear, hear!)—*He was the most forbearing Prosecutor in all England.* His trust was a responsible one, and it was not likely that he should venture to abuse it.—To accede to the motion would only go to create unfounded alarms, and as no specific ground had been adduced, he should vote against it.

Earl GROSVENOR thought that the simple fact of *forty-two* prosecutions for libel having taken place in *three* years, whilst only *fourteen* had been filed in the preceding *six*, sufficiently shewed the necessity of inquiry.

Lord REDESDALE was convinced that the press was not only free, but that there was a considerable degree of licentiousness; and this licentiousness could not be checked unless the present mode of prosecution was persevered in. Prosecutions *ex-officio* were bottomed on the Constitution.

The Marquis of LANSDOWNE observed, that his Noble Friend had never denied that the proceedings were legal; it was only the *abuse* of the power to which he wished to call the attention of the Legislature. Inquiry could not, on any ground, be productive of injury, and the most extraordinary increase of *ex-officio* prosecutions, within these few years, rendered that inquiry peculiarly desirable and proper.

The Earl of LIVERPOOL considered the additional number of Crown prosecutions as arising from the increased number of periodical publications, rather than from unusual rigour on the part of Government. He knew it had been rumoured that the

present Attorney-General had exercised a more than usual severity in the execution of his office. He could himself however bear witness to the contrary, and testify to the HABITUAL MILDNESS and CONSTANT LENITY with which he had acted. The country owed him great obligations. In many causes, when an *apology* had been made, or the author given up, proceedings had been stayed. In short, the Attorney-General had discharged his office with forbearance and ability.

Lord HOLLAND replied. His object was to amend, not to do away the law. His arguments had been perverted and evaded, not answered. It was absurd to suppose that the case of the *Morning Post* had been brought forward as a general charge against the Attorney-General. It was said that many persons had been let off in the same way; but there were a great many not so let off. He knew of cases where author, printer, and publisher, were all punished together; and there were other cases where the author had not been attacked, though the printer and publisher had.—There was ample cause for investigation. Mr. Dunning, Sir George Saville, and Mr. Barke, were all enemies to this mode of proceeding. Unless some bill was brought up from the other House on this subject, he should again bring forward the topic.

On a division, there appeared for the motion, 12,—against it, 24;—so that there were only 35 Lords who voted upon this great question.—Adjourned.

Tuesday, March 5.

After some conversation, a Committee was appointed to inquire into what measures would be necessary to provide for the more expeditious decision of Appeal Causes, of which no less than 273 now stand for hearing.—Adjourned.

Wednesday, March 6.

Nothing of importance occurred in the House this day.

Thursday, March 7.

The House was occupied for a long time in hearing Counsel on the Berkeley Peerage, after which an adjournment took place.

Friday, March 8.

The Berkeley Peerage case was proceeded in. The Countess of Berkeley was examined: she made oath that she was legally married to the Earl in 1785.—The House then entered upon several Divorce Bills, and afterwards adjourned till Monday.

## HOUSE OF COMMONS.

Monday, March 4.

### ARMY ESTIMATES.

In a Committee of Supply, Lord PALMERSTONE (Secretary of War), submitted various Resolutions respecting the Army Estimates. We had, he said, 211,000 effective men, exclusive of the local militia. The casualties he estimated at from 23 to 30,000 men. The number produced by recruiting must vary, but may be estimated at 11,000 men, and that he thought a very low estimate. He thought the regular establishment of militia, which in effective men was 84,000, rather too great; and it would be advisable to reduce it to the old establishment, which was about 70,000 men. He proposed that 10,000 men should be permitted to volunteer from the militia into the line, which might be allowed without any detriment to the former; as had been proved in Ireland, where the militia were allowed annually to volunteer, without injuring the militia. This method he thought most likely to recruit men, and it was his intention to move for leave to bring in a Bill to this effect.

Gen. TARLETON commented upon the impolicy of all our expeditions, in order to shew that the means of the country were inadequate to the end proposed. He was convinced that we had long been playing a losing game, and that Bonaparte and Massena were secretly laughing at the folly and insanity of our present Ministers. The first operation was to defend the Peninsula; the second was to defend Portugal, which having failed to do by suffering the enemy to take Ciudad Rodrigo and Almeida, the third operation commenced by retreating before the enemy, for the purpose of defending Lisbon. Lord Wellington, for having gained the battle of Talavera, for which he had been

rewarded by that House with their thanks, and for which his Majesty had conferred on him the dignity of Viscount, had the very next day retreated, and kept continually since retreating before General Massena, till he had been driven within the lines of Torres Vedras. To these lines Gen. Massena had followed him close with not more than two-thirds of his army, which was represented by Lord Wellington himself as wanting every necessary, and yet he suffered him to remain close to him with a very inferior force for upwards of three weeks—and after doing so, to get thirty hours start of him, and make good his retreat to Santarem, where he was so strongly entrenched, that he could not attack him without the greatest risk. There (at Santarem) Massena, as he said to his Master, was supporting his army by resources drawn from Portugal alone, while Lord Wellington was obliged to feed his own army, the numerous Portuguese who had been induced to quit their habitation and go within the lines of Lisbon—and the whole population of that city—on resources drawn from England, Ireland and America—the Azores, and almost the whole world—we were even obliged to supply the army in Portugal with red port, which was infinitely worse than sending coals to Newcastle. The General concluded by saying, that he should not object to the estimates now moved, but he thought it his duty to make the statement he had done.

Lord CASTLEREAGH approved the determination of Ministers to adhere to the plan which he had first introduced of recruiting the army by drafts from the Militia, by which a great standing army might always be sustained so as to crush any idea of invasion, and at the same time furnish a large disposable force, without the people of this country feeling any dread at so many of its defenders leaving our shores. He conceived that the army now employed in Portugal was as effectually defending Ireland as if they were upon its shores.

Mr. HERBERT and General STEWART warmly supported the ideas of his Lordship.

Mr. WHITREAD said, that the Militia had now come to that state that was long foreseen, when it was obliged to furnish an annual draught to the regular army. He thought that this was a most unequal and unjust species of conscription. He thought some equal law should be applied to the whole country, and that it was most unfair, that those counties should be charged the most for filling up vacancies, that had already contributed the greatest number to the regular army. He thought that one great obstacle remained, which ought to be removed before the Irish militia was brought into this country. The penal laws respecting Catholics ought to be relaxed.

Mr. ERCEVAL thought the Hon. Gentleman ought not to damp such prospects of public advantage, by introducing points which he knew could not now be obtained, and to which he knew there were particular feelings, and particular difficulties, to be surmounted. It was, however, perpetually stated, that the ranks of the British army were full of Irish Catholics. If so, the Catholics did come over to this country notwithstanding the penalties alluded to by the Hon. Gentleman. In answer to the long criticism made by a gallant General on the conduct of the campaign in Portugal, it must be recollected, that he predicted the same things in the last session, and his prophecy appeared no nearer its accomplishment now than it did then.

Mr. CANNING expressed his most cordial approbation of that system which had brought the fortunes of France and of this country to their present situation in Portugal. He thought there was as much wisdom as courage in preferring to contend with the enemy on the advanced post of the Peninsula, rather than on our own shores. When those who had hitherto been so unfortunate in their predictions, and who, in the last Session, thought it impossible to defend Portugal for one campaign, came now and predicted again that it must fall—those whose measures had defended Portugal, during the last year, had a right to hold out hopes to the country. Lord Wellington had for the last campaign arrested the progress of Bonaparte. That thunder-bolt, which was directed against Portugal, was by him conducted harmless to the earth. He looked at the result, not without anxiety, but without that fear that those appeared to

entertain had always predicted the defeat of the British army and its retreat from the Peninsula.

After a few explanations, the question was carried unanimously.—Adjourned.

Tuesday, March 5.

SLAVE TRADE.

Mr. BROUGHAM moved for leave to bring in a Bill to render more effectual the Acts of the 46th and 47th of the King, for the abolition of the Slave Trade. Mr. B. adduced many instances of this inhuman traffic having been carried on in despite of the above Acts, particularly by ships from Liverpool. It was his intention to introduce, into his proposed Bill, the punishment of transportation for a term not exceeding fourteen years, or imprisonment for a term not less than two years, instead of the present penalties for violating this Law.—The motion had the unanimous approbation of the House.

IRISH BILLS.

Sir J. NEWPORT moved the following resolution;—"That in order to afford persons in Ireland sufficient opportunity of communicating to Parliament their representations with respect to any legislative measure of a public nature relative to Ireland, that may be about to pass into a law, and thereby to lessen the inconveniences of their removal to such a considerable distance from the seat of Legislation, it is just and expedient that an interval of time shall be allowed to elapse between the second reading and the committal of any public Bill, exclusively affecting Ireland, in the same manner as is now practised with regard to private Bills affecting that country."

After some debate, the motion was negatived by a majority of 45.—Adjourned.

Thursday, March 6.

The Silk Manufacturers Bill was read a third time and passed.

SUPPLY.

In a Committee of Supply, the following Grants were proposed:—

For the support of the French Protestant Ministers in England and Ireland, - - -	£9,280	5	0
For defraying the expences of convictions at home	78,700	0	0
For the relief of the Poor of St. Martin's-in-the-Fields - - - - -	1,328	15	4
For making good a Grant for defraying the extraordinary expences of public prosecutions	2,217	16	9
For defraying the expences of prosecutions relating to his Majesty's coin - - - - -	4,000	0	0
For defraying fees on passing public accounts	5,000	0	0
For foreign and secret services for year 1811	175,000	0	0
For defraying the law charges for year 1811	20,000	0	0
For the support of the Public-office, Bow-street - - - - -	12,000	0	0
For the Journal Office of the House of Lords	21,000	0	0
For defraying the incidental expences of the two Houses of Parliament - - - - -	3,500	0	0
For printing copies of the Journals and Reports of the two Houses for 1810 and 1811	6,000	0	0
For the salaries of the Offices of the two Houses of Parliament for 1811 - - - - -	1,680	0	0

The proposed votes for the Dissenting Ministers and the Poor of St. Martin's, and the vote for making good the grant for defraying the extraordinary expences of public prosecutions, were postponed.

The Resolutions were ordered to be taken into consideration on Friday.—Adjourned.

Thursday, March 7.

The Birmingham Waterworks Bill, on the second reading, was thrown out by a majority of seven.

CHANCERY SUITS.

Mr. M. A. TAYLOR called the attention of the House to the delay which took place in the decision of Chancery Causes, owing to the enormous increase of such causes. He imputed blame to no one: but the evil called loudly for remedy, as it was a principle of the law of England that justice should be administered impartially and without delay. That delay, how-

ever, particularly in Chancery Suits, was now notoriously proverbial. The business of that Court had increased ten-fold.—In former times, there were about one hundred bankruptcies in one year; in 1809, there were no less than one thousand one hundred; and last year they amounted to *two thousand seven hundred!*—How could one man get through the whole of this business?—As to cases of delay, above 100 causes were left last Session undetermined. Numberless were the cases in which widows and orphans were almost ruined by this delay. Leases very often expired before the cases were adjudged. In 1804, the Court decided a cause in favour of two ladies, a person interested, however, brought a writ of error, and before it was finally determined, both the ladies died, one of them in extreme want. Such cases were innumerable.—Mr. Taylor said, that in moving for the appointment of a Committee to look into this subject, he was not actuated by any interested motives; he had never been in Chancery, and would at any time rather lose two or three thousand pounds than make the experiment.—(A laugh.)

Mr. PERCEVAL opposed the motion as unnecessary, for the House of Lords had already taken up the subject.

Sir S. ROMILLY thought that inquiry should take place; he at the same time attributed no blame whatever to the Noble Lord at the head of the Court of Chancery. On the contrary, there never was a man more qualified, in every respect, to preside in that Court, than his Lordship.

After some further debate, the motion was negatived.

#### IRISH CATHOLIC COMMITTEE.

Mr. PONSOMBY commented with much severity on the very singular conduct of the Irish Government, who had ordered the enforcement of an Act, by which three-fourths of the Irish population might be imprisoned, even before any offence had been committed. After this rash proceeding, what were the measures pursued by Ministers?—They sent two Magistrates to the house where the Catholic Committee met, but on being told that they were not that Committee, they withdrew; and thus this Meeting, which they had designated an unlawful assembly, still held its sittings and published its proceedings as usual. Surely all this called for inquiry. Ireland, unfortunately, was in that state, in which it was peculiarly desirable that measures of irritation should be wholly avoided; yet these measures, he was assured, had been very obnoxious to the Catholics in general, whose right to petition,—that last solace of the wretched,—Ministers had attempted to take away.—Mr. Ponsomby concluded by moving for a variety of Official Papers respecting the Convention Act, &c.

Mr. WELLESLEY POLE said, that since the year 1800 the Duke of Richmond had abstained from giving any interruption to the Catholics in petitioning the Legislature. A spirit of excitation towards the Catholics was the system of the Irish Government. In May, 1809, a General Meeting of Catholics was held in Dublin; the Committee consisted then of 36 Delegates from the Wards of Dublin. Though they were violent in their debates, they confined themselves to the object of their meeting,—to petition the Legislature. Had the Committee of 1810 followed their example, the Convention Act would not have been enforced. But in November a General Meeting of Catholics was held in Dublin, when Mr. Peter Finnerty told them, that the English were a good and liberal people, but that they had a wicked Government, which was the cause of all their grievances. The debate was violent and scurrilous, and the Meeting assumed the authority of doing other acts besides preparing their Petition. Short-hand writers took down the debates, which were circulated all over Ireland. Still, however, the Lord-Lieutenant did not interfere, thinking they would disperse. In this he was disappointed. They appointed a Committee of Grievances; they circulated the case of one Spence, a Catholic Soldier, who had been sentenced to a punishment (for refusing to attend at a place of worship) which Government had ordered to be severe, and even had the man shot. They also pointed out that they had procured this punishment for the people of Ireland to look to them for relief. They complained of what they

termed a great grievance, that the 2000 children who were taken into the Foundling Hospital without any questions being asked, were educated in the Protestant faith, though most of them had Catholic parents. Having done these and other improper acts, for they were taking steps to procure a Representative Meeting from all parts of Ireland, the Lord-Lieutenant at last thought proper, with the advice of his Council, to interfere. He had recourse to a positive and unrepealed Act, and the Magistrates were ordered to enforce it with the utmost mildness. When Alderman Darley waited on the Meeting, he was told by Lord Ffrench that they were not the Catholic Committee, but a meeting of Gentlemen who were preparing a Petition. The Government deemed Lord Ffrench a gentleman, and his word was taken.—The Government had been blamed for suffering the Meeting still to assemble; but in their last Resolutions it would be seen that they entirely disavowed their having met for any other purpose than that of petitioning the Legislature for the removal of the disabilities under which the Catholics still labour.—To meet for such a purpose was not illegal; and as the Meeting had adjourned, he trusted that every thing would end amicably.

Mr. PARNELL, Mr. SHAW and Mr. TIGHE, thought the Irish Government much to blame for their rash conduct, which had only tended to irritate the Irish people.—Mr. PARNELL said, he had read the speech of Mr. Finnerty with much attention and satisfaction, as it went to set right the opinions of the Irish respecting the people of England.—And Mr. PONSOMBY, in his reply, observed, that he did not know Mr. Finnerty, but was of opinion that his conduct did credit both to the Committee and himself.—The violence of the Committee, he said, had been adduced as the cause of the harsh measures pursued; yet this violence turned out to be the inflammatory speech of an individual. So the act of one foolish person was to condemn the whole body! Was this wise or just?

The House then divided—For the motion, 48—Against it 133.—Adjourned.

#### Friday, March 8. DISTILLERIES.

Mr. PERCEVAL said, that he was about to submit a measure, as an experiment in the first instance, which he hoped would ultimately prove of great advantage,—the equalizing the duties on Spirit distilled from Grain and Sugar, which would leave to both a fair and open competition. This measure, he thought, would produce to the country 1,000,000, without any increase in the price of the articles.

Mr. CURWEN was of opinion that this plan would not only destroy the barley-growers, but very much injure the agricultural interests of the nation, and raise the price of animal food. He thought the Legislature should pause, before they sacrificed the landed to the colonial interest. Great Britain in its best cultivated parts, was susceptible of infinite improvement; its agriculture was yet extremely defective; but his measure would paralyse its exertions. He should strenuously oppose this dangerous system.

A conversation of some length took place, which ended in a division, when Mr. Perceval's first Resolution was carried, and the Report ordered for Monday.

#### THE ARMY.

The Army Estimates were agreed to, and the Report ordered for Monday.

The House went into a Committee on the Mutiny Bill, when Mr. ARBUCROMEIE gave notice, that it was the intention of an Hon. Friend of his to move a new clause relative to corporal punishments.—Adjourned.

#### TUESDAY'S LONDON GAZETTE.

##### BANKRUPTS.

R. Tomlinson, Leek, Staffordshire, shopkeeper.  
J. Webb, Emsley, Gloucestershire, clothier.  
G. Merryweather, Manchester, manufacturer.  
J. Miller, Liverpool, merchant.  
M. Fletcher, Liverpool, earthenware-dealer.



R. and G. Webb, Liverpool, brokers.  
 W. Cameron, Liverpool, liquor-merchant.  
 H. Philipson, Cottingham, Yorkshire, nurseryman.  
 J. Bently, Halifax, Yorkshire, cotton and woollen card-maker.  
 T. Lumley, Great Grimsby, Lincolnshire, grocer.  
 J. and J. Scriven, Leicester, Warwickshire, needle-makers.  
 B. Colerick, Globe-street, Wapping, needle-merchant.  
 T. Martin, Castle-street, Finsbury-square, carpenter.  
 T. Morris, Castle-street, Holborn, jeweller.  
 C. Peacock, Clement's Inn, navy-agent.  
 J. Shaw, Rochdale, Lancaster, hatter.  
 R. Flack, Castle Hedingham, Essex, butcher.  
 T. Juddins, Chester, linen-draper.  
 W. Webb, Mildenhall, Suffolk, money-scrivener.  
 T. Palmer, New-road, Whitechapel, soap-maker.  
 J. Steight, Richmond, surgeon.  
 T. Hurrell, York-street, St. James's-square, taylor.

## SATURDAY'S LONDON GAZETTE.

This Gazette contains accounts of the following captures:—  
 Le Loup Marin French privateer, of 16 guns and 64 men, by the *Nube*, Capt. in Loring; the *Vigilant* French privateer, of 14 guns and 50 men, by the *Nymph*, Capt. Hancock;—  
 and also the destruction of a Danish privateer, of 2 guns and 25 men, by the *Prospero* sloop, Capt. Godby.

## BANKRUPTS.

R. King, Duke-street, Lincoln's-Inn-fields, taylor.  
 H. Webb, Enfield, corn-factor.  
 J. R. Westbury, London-Terrace, flax merchant.  
 J. F. Watt, Fleet-street, tallow-chandler.  
 H. Smith and H. Chesmer, Great Winchester-street, merchants.  
 C. Mercier and C. Chervet, Bartholomew-close, printers.  
 J. Wright, Walcot-place, Lambeth, merchant.  
 T. D. Poole, Arlington, Gloucestershire, miller.  
 R. H. Moll, Bernard-street, Russell-square, coal-merchant.  
 J. W. Pepper, Deal, butcher.  
 G. Farelough, jun., Chorley, Lancashire, grocer.  
 J. Baker, Tideswell, Derbyshire, cotton-manufacturer.  
 T. Downey, Wapping-street, glazier.  
 J. Adams and J. Ludlow, East-lane, Walworth, oilmen.  
 G. Osborn, Tottenham-court, upholsterer.  
 I. Asuton, Salford, Lancashire, dealer.  
 J. Brunner, Rochdale, Lancashire, dealer.  
 V. Close, Handley, Staffordshire, potter.  
 G. Bibby, Norton-Falgate, silversmith.  
 H. Elliott, Kent-road, grocer.  
 J. Withey, Trowbridge, Wiltshire, clothier.  
 T. Lewis, Rly Place, merchant.  
 T. Dowding, Paternoster-row, warehouseman.

Mr. COLERIDGE has requested the Editor to state, that he is not the author of the article in the *Courier* quoted at the head of this Paper last week: and the Editor accordingly states it with great pleasure. Mr. C. will hear further from him on this subject.

R. F. E. and R. E. C. shall have an early insertion.

To prevent as far as possible idle and unfeeling impositions, persons sending accounts of Deaths and Marriages must give in their Names and Places of Abode. As money is never taken for their insertion, this precaution is rendered still more necessary.

A. B. is informed, that the *Examiner* is not to be procured from its commencement. The first year's Volumes are all sold: those for 1809 and 1810, of which a greater number were reserved, may still be had, price two guineas each, in boards.

There is a Monday Edition of this Paper, designed for Readers in the Country. It contains, in addition to all the original matter, the News which may arrive on Sunday and Monday morning, and is therefore better calculated for the Country than the Sunday Edition.

PRICE OF STOCKS ON SATURDAY.

3 per Cent. Consols.....65 1/4

## THE EXAMINER.

LONDON, MARCH 10.

THERE is a dearth of continental news this week, and even of report; but the readers of the *Examiner* will be gratified in hearing that General MIRANDA arrived at Caracas in the beginning of December last, and was enthusiastically received by his countrymen. This intelligence, as it is a signal for the revival of all the best hopes of South American freedom, is for that reason a fresh signal for all the petty squibs and revilings which the malice and alarm of the old Spanish school can devise against him; and the appellations of adventurer, boaster, impostor, incendiary, &c. &c. are daily sent after him, mixed with the due quantity of secret curses against his good character, and anticipations of his just success. In the mean time, he enters his native place in triumph. A circular letter signed LIVERPOOL and BOLIVAR, to our officers at the Antilles, announces the intention of the English Government not to interfere between the disputes of Spanish America and the Mother Country; and there is every appearance that the exertions of this very man, who has toiled for his country through all kinds of obstructions, will be ultimately blessed and honoured as they deserve. The liberal people in this metropolis know very well what was said of WASHINGTON, during his struggles for his country's independence, and what is said of all other labourers in the same glorious cause, till they are crowned with success. The abuse against General MIRANDA consists of the merest assertions; and while the single fact of his refusal to proceed with the French, when he found they had exchanged the love of freedom for the love of conquest, remains undisproved, they will continue to observe his movements with confidence and hope to announce his success with exultation. This is an age of phenomena; and they do not see, why a Peruvian may not overturn the despotism of Spaniards; and why the sun of Spanish independence that set in the East may not be destined to rise again in the West.

A Mail from Lisbon arrived yesterday morning. It has not brought any intelligence of importance from the army; indeed there have been later accounts.

At the requisition of many respectable inhabitants of Westminster, the HIGH BAILIFF has announced that a Meeting will be held on Monday the 18th inst. in Palace Yard, to consider of an Address to the PRINCE OF WALES, "on his accepting the Regency,—on certain recent violations of the Constitution in particular,—and on the evils in general which result from the want of a Constitutional Representation of the people in Parliament."

There is a report in the newspapers, that Mr. COOKS the actor has killed a man in a duel, and that he is on his return to England.

It is said, "that as soon as the reinforcements which have been sent to Lord WELLINGTON shall arrive in the Tagus, it is the Noble Lord's declared intention to proceed himself, with 16,000 British troops across the Tagus, to join Marshal BERESFORD, and to raise the siege of Badajoz. If he shall succeed in this operation, he would make the position of MASSENA very critical."

La Fortunee, French privateer, has been sunk off the French coast by the Theban frigate. It is said, that though she was close under the fire of the frigate, the Captain persisted in holding on his course for the land, in hopes of drawing the Theban upon a shoal. At length, the man at the helm being shot, she broached to under the bows of the frigate, and went down. Of the crew, consisting, according to one account, of 56 men, and according to another, of between 60 and 70, only the Captain and five men were saved.

The object of the three Bills now in the House of Commons, introduced by SIR SANDFORD ROMILLY, is to substitute transportation or imprisonment and hard labour, at the discretion of the Court, for any term not exceeding seven years, for the punishment of death, in cases of stealing in dwelling-houses to the value of 40s.—stealing in ships, barges, &c. to the same amount;—and stealing privately in shops to the value of 5s.

It is said, that Ministers have received information of a proposal having been made by the Emperor NAPOLEON to the United States of America, that he would lend them twenty-five ships of the line, and ten frigates, if their discussions with England should end in a rupture. On the other hand, it is said, as a thing likely to happen, that if a war should take place between Great Britain and America, there would soon be a separation between the Southern and the Northern States of the Federation.

The following excellent *quiz* was lately played off against a certain Morning Paper, more notorious for the wretchedness of its puns, than for the originality or correctness of its information. A whimsical fellow, who had been in the daily habit of reading the Journal above alluded to, wrote a letter to its Editor, wherein he complimented very highly the manner in which his paper was conducted; observing, that, in the dearth of more important matter, how often he had been amused and entertained by the perusal of many little pleasant *puns* and witticisms that were occasionally inserted; and, as he made no doubt but that others derived as much pleasure from this species of reading as he himself did, he could not but feel anxious, (in order that the same sort of agreeable matter might be continued and kept alive in the columns of his paper), to be a contributor of any article he might be able to collect; as a proof of which, he begged to enclose him a copy of an excellent repartee, taken down verbatim as it was uttered; and which, from the neatness of its point, he made no doubt would be considered acceptable to his paper.—The following is a copy of the enclosure:—"A Gentleman met his friend the other day in Bond-street, and, observing he had on a very fashionable cut coat, jocosely said—"Why, my dear fellow, what do you do with that jacket on?"—"Jacket!" cried his friend, "why it is a coat!"—"That is impossible," said the other, "it is so remarkably short."—"I admit the truth of your assertion," replied he; "but it will be long enough before I get another."—Suffice it to say, that the Editor, completely blinded by the praise and commendation of his correspon-

dent, absolutely inserted this old, worn-out, Joe Miller joke in his paper the following day, under the title of *A New Pun!!!*

A Report of the Trial, in which HUGH DOHERTY, Esq. was plaintiff, and P. W. WYATT, Esq. defendant, has very properly been published at full length.—It displays a scene of profligacy and baseness almost unparalleled. How the immaculate ATTORNEY-GENERAL could consent to take the money and advocate the cause of such a client, is a mystery not to be solved by any but those who are hackneyed in the ways of law. But he did not stop here: he even attempted a defence of others, whose conduct has been equally worthless. His failure however was altogether as complete as Mr. DOHERTY's triumph.

PILLORY.—Yesterday morning another detestable wretch, who lately filled a respectable situation as butler in a gentleman's family in the neighbourhood of Wimpole street, stood on the Pillory opposite Orchard-street, Oxford-road, pursuant to his sentence. He was brought in an open cart from Cold Bath Fields surrounded by an immense concourse of spectators, who testified their disgust by pelting him with rotten eggs and filth, till he was completely disfigured, and appeared almost lifeless. At the expiration of the hour he was taken down and conveyed back to prison.

#### THE KING'S ILLNESS.

##### MEDICAL BULLETINS.

"Windsor Castle, March 3.

"His Majesty remains in the same state in which he has been during the last few days."

"Windsor Castle, March 4.

"His Majesty goes on well."

"Windsor Castle, March 5.

"His Majesty is nearly in the same state to-day in which he was yesterday."

"Windsor Castle, March 6.

"His Majesty continues to go on well."

"Windsor Castle, March 7.

"His Majesty is going on favourably."

"Windsor Castle, March 8.

"His Majesty continues in the same state in which he was yesterday."

"Windsor Castle, March 9.

"His Majesty has made considerable progress in his recovery, and is going on favourably."

"We are unwilling to pay much respect to the flying rumours from Windsor, which insinuate, that, for some days, his MAJESTY has suffered a degree of *exacerbation* (if we may be allowed to use SIR HARRY HALFORD's term), in consequence of the result of the QUEEN'S Council held last Saturday. We believe, however, that his MAJESTY has been somewhat indisposed since the time when the Physicians made an unanimous Report—"That he was in a state of rapid advancement to recovery."—(*Morning Chronicle*.)

#### VACCINATION.

TO THE EDITOR OF THE EXAMINER.

SIR,—Believing you are favourable to the cause of Vaccination and the extermination of the Small Pox, I will request your insertion of the annexed interesting communication, which will oblige, yours, &c.

March 6.

A CONSTANT READER.

It appears from the Bills of Mortality for the last year, that 1199 persons died by the Small Pox, in that part of London within the Bills. About one-fourth of the population of the Metropolis is not comprized in that account; whence it appears, that fifteen hundred persons perished in London by this one disease. It also appears, from the Register of Paris, that the whole amount of deaths in that city was only two hundred and thirteen persons: in Vienna the deaths were sixty-three. The inference from so great a disparity is striking and important; evincing that our enemies are deriving far greater advantages from this inestimable discovery, than the country in which it originated.—This must be attributed to either superior management, zeal, or encouragement. The latter is the most probable cause.—It does not appear that the Small Pox has declined but increased since the establishment of the National Vaccine Institution, supported at considerable expence by Parliament. This scheme has greatly tended to quash the existing charitable institutions for the promotion of Vaccination, which have never received any fostering aid from Parliament, though they petitioned for that purpose, and their object being equally the public good, were justly entitled to it. Experience has shewn that such disregard has been neither wise, humane, nor politic. In France, and other nations of Europe, individual medical men are rewarded for distinguished exertions in this great cause of humanity; but here, all is left to private benevolence, and that operating against self-interest.

## THEATRICAL EXAMINER.

No. 89.

LYCEUM.

This little theatre seems determined to keep up it's improving character, and to put to shame the splendid means and still more splendid promises of it's lofty rival. After having just given us a new farce, a new opera, and a new comedy, all better than usual, it presented us yesterday week with another comedy, to which at least the same praise must be given. It is called *Ourselves*, and is from the pen of Miss CHAMBERS, author of the *School for Friends* and of the novel entitled *He Deceives Himself*. The person, on whom the chief interest of the story depends, is a young lady of the name of *Octavia Seymour* (Mrs. HORN), who is left by her uncle, with a large fortune, to the care of two guardians, one of them an honest but low kind of Irishman (Mr. JOHNSTONE), the other an English Baronet (Mr. DOWTON) who is not a little astonished on the occasion, and cannot conceive what the Hibernian and the orphan have to do with him. Mr. O'Shanaghan is blunt, and Sir John Rainsford is irritable, so that they do not very well agree; and what particularly annoys the latter is the unceasing anxiety in which he is kept by the strange adventures of his ward, who after running away from a house where she is on a visit on account of the insults of it's master, and escaping from the pursuit of a needy coxcomb, the Irishman's son-in-law, (HOLLAND) falls into the protection of a gentleman named *Fitz-Aubyn*, who is also the protector of an elderly lady (Mrs. GLOVER) which elderly lady, in fine, turns out to be *Octavia's* mother. This discovery is soon rumoured abroad; and the mistake of an attorney's clerk, who gives certain papers into the hands of the wrong guardian, induces Mr. O'Shanaghan to imagine that he is the girl's father,—a supposition that smites him with remorse for his past galantries, and perfectly shocks Mrs. O'Shanaghan (Mrs. HARLOWE), who goes to *Fitz-Aubyn's* house, and behaves

to her supposed rival with an insolent jealousy, which, however natural to her manners, forms too abrupt a contrast to the other's delicacy and sorrows, and becomes rather painful than ludicrous to the spectator. The alarm, however, is a false one: the two ladies turn out to be the wife and daughter of *Sir John Rainsford*, who had married beneath his rank, and lived almost ever since apart from his wife; too proud to own her, but at the same time too conscientious not to be rendered miserable by his false shame. With the acknowledgment of his family, the Baronet's happiness returns:—*Sir Sidney Beaufort*, (WRENCH) from whose dishonourable love *Octavia* had fled, becomes honourable and happy also:—*Miss Beaufort*, (Miss DUNCAN) a lady necessary to *Fitz-Aubyn's* happiness, but certainly not to the story, gets rid of the jealousy she had felt at the knight-errantry of her admirer in relieving distressed ladies; and gives him her hand; *O'Shanaghan* and his wife, roused to a sense of each other's love by the distressing supposition abovementioned, promise to be better friends than usual;—and in short, every body is contented but Mr. O'Shanaghan's son, who in reward for his love of lounging and running in debt, is unaccommodatingly lodged in the Fleet. These characters and incidents, the reader will easily perceive, can boast little novelty; and I do not know that any one thing in the piece strikes the recollection, except the scenes between *Miss Beaufort* and *Fitz-Aubyn*, who flatter themselves they can be platonic, and keep up the shuttlecock of a parrying courtship with a number of graceful turns and pretty little anxieties. It is the language indeed which principally marks the superiority of the authorship to that of the general run of Comedies, for the least good-breeding and composition are infallible marks of distinction on these occasions. The moment however one sees an Irishman coming on the stage, all the blunders of the modern drama, voluntary and involuntary, rush upon one's mind. Mr. O'Shanaghan's blunders were better than usual, and made the gallery very merry; but has our fair dramatist come to this! The trick at best was "old and foolish;" but there was a worse remaining; and the admirers of the *School for Friends* must have been mortified to see the fair author revenging herself upon their good opinion by a volley of puns discharged from no less an eminence than the starry heavens,—Mars, Venus, the Crab, the Great Bear, and the Lyre, that is to say, Lear!

Cœlum ipsum petimus stultitiâ!

These touches of buffoonery were ill recompensed by an occasional pruriency of imagination. Mr. O'Shanaghan was sufficiently gay; but *Sir John*, with his *sopha* raptures, descanting upon the sleeping maid-servant, was absolutely alarming. The best of our present female authors, the EDGEWORTHS and the BARBAULDS, are as celebrated for the moral purity, as the beauty of their writings; and this a peculiarity belonging to our age and nation, which it is grievous to see disturbed. It has been very properly recommended to Miss CHAMBERS to expunge the scene just mentioned; and it is to be hoped, that in her next play she will discard also the puns and the blunders; for upon the whole, it cannot be denied, that though the new piece is far above the vulgar and ignorant dramas of the day, it is still low enough, in the scale of a just ambition, to be infinitely beneath an elegant and accomplished woman.

The arts of Painting, Sculpture, and Engraving, are much cultivated in Paris. BONAPARTE lately placed 1,200,000 francs at the disposal of the proprietors of the series of engravings, called the *Musée Napoleon*, to enable them to finish it in the best style. Men of letters, chemists, and mathematicians, are preferred and employed, in every department of the French Government, while the Institute, and every thing appertaining to art and science, are eminently distinguished and encouraged.

## FINE ARTS.

### BRITISH INSTITUTION EXHIBITION.

*The same sensibility of artificial excellence extends itself to the perception of natural and moral beauty, and the Student returns from the Artists' Gallery to his station in society with a breast more disposed to feel and reverberate the endearments of social life and of reciprocal benevolence.*—KNOX.

61. *Roderick Dhu discovering himself to Fitzjames in the pass of Benlidi.* ARTHUR PERIGAL.—This picture and that of *Queen Catharine delivering to Capucius her farewell Letter to King Henry VIII.* by the same hand, afford striking examples to the young student of the benefits which are conferred by well directed industry. Mr. PERIGAL'S talent, which dawned last season in his picture of *Edipus*, appears in this to be rapidly rising over the horizon of art; and it is pleasing to remark that he is most proficient in the primary principles of painting, drawing and expression; that his deficiencies lie mostly in those requisites that are of least difficult attainment, and that depend more on practice than genius. Thus the drawing and expression of these pieces are marked with no small portion of truth and vigour. The countenance and attitude of Rod. Dhu are depictive of a proud fierceness in discovering himself to his enemy, and those of Fitzjames possess a graceful and manly energy, bidding courageous defiance to the power of Rod. Dhu. But the picture wants a greater portion of light to relieve and balance the middle and deep shadows. It wants breadth both in the *chiaro scuro* and colour, and more relief in the chief figures. The colours are in themselves clear and appropriate to the various objects, but their want of greater masses banishes repose, and this want, from the effect inseparable from littleness, is inimical to historic dignity. The soil, however, of Mr. PERIGAL'S genius appears to want only an unrelaxed continuity of cultivation, to mature by its richness the noble productions of art.

52. *Hæmon and Antigone.* J. J. HALLS.—Were Mr. HALLS' history pieces in the best style of his master FUSSELL, his portion of praise would be very slender, from the circumstance of his being so entire an imitator of that highly gifted though eccentric painter. But except his *Witch sailing in a Sieve*, I do not recollect any production of Mr. HALLS' pencil that does not abound with Mr. FUSSELL'S defects, without any atonement for them in exhibiting like that master an original glow of conception. Distorted limbs, extravagant expression, and an entire want of simplicity, are the elements of Mr. HALLS' style, of which the *Hæmon and Antigone* is a specimen. The action of *Hæmon* is certainly expressive of that "fell rage" that strikes "at a father," but it approximates to that of a madman starting in a murderous fit. The general air of the female is not ungraceful, but it is intermixed with Fuselian zig-zag, especially in the turn of the hands and fingers. An artist should study the conceptions and style

of a master to invigorate his thoughts, not to supply his want of them, much less to copy faults.

88. *Macbeth's first meeting with the three Witches.* J. J. CHALON.—The objects in nature possess a due medium between bluntness and sharpness, and the eye is never offended by the extreme of either. The lights therefore on the outlines of the objects in this picture are not sufficiently blended with the contiguous shades, for they are cutting or hard. This hardness is here more unpleasant in proportion as the objects recede from the fore-ground, for in nature, the more distant the objects the blunter and more blending do they become. Independently of this harsh outline, the picture teems with appropriate vigour of character, both in the landscape and figures. The hurly-burly of the elements, raised by the potent spell of the Weird Sisters, and seen in the wind and rain, bent boughs, rest tree, and murky clouds, have a more solemn effect as exhibited among magnificent masses of trees and mountains. There is a boldness and freedom in the pencilling, favourable to the characteristic expression of the subject; and if it is not quite so perfect a performance of its kind as Mr. CHALON'S last year's landscape, it must be recollected that the subject is as much more difficult of conception and execution, as the epic of landscape painting is superior to common nature; and it possesses a portion of elevated character that entitles the painter to praise superior to almost any derived from the best imitations of common nature; for the portraiture of common nature, exhibited in its most pleasing effects of form, colour, light, and shade, must rank infinitely below those sublimer appearances which are not, at it were, at hand like the former, but must be sought for in the rarer exhibitions of select nature, and in the regions of a creative imagination.

### Mr. West's grand Picture of the Miracles of Christ.

The rapidly increased talent in painting exhibited this year by the candidates for the patronage of the British Institution, is a pleasing proof of the benefits which are and may be further derived from that establishment. The Artists have indeed made such great progress on the high way to eminence, that we reasonably indulge the expectation of their being emulous and capable of the noblest attainments. But the Directors of the Institution, with a zeal worthy of the exalted art they have the honour of cherishing, have added new stimuli to their generous incentives of increased and increasing annual premiums.—They have commenced a subscription of 3000 guineas, the price of Mr. West's recently finished picture of the *Miracles of our Saviour*, for the purpose of securing it as a national possession. By this act, done in the genuine spirit of ancient Greek patronage, as the subsequent extract of a Letter to the Subscribers to the Institution will shew, the British Institution have commenced that long-wished-for desideratum, the establishment of a grand National Gallery, for the purpose of infusing into the public mind an ardent and just relish for the Fine Arts. The picture which the British Institution Subscribers are about to purchase, is considered by the best judges to be Mr. West's masterpiece. It represents the Saviour surrounded by persons afflicted with various diseases, by his disciples and others. Variety of character, brilliancy and solemnity of colour, light and shade, admirable grouping and drawing, and in fine, all the nobler beauties of painting, are wrought up to the highest degree of excellence. It will be peculiarly

gratifying, when this production of exalted genius is presented before the public eye, to give a minute detail of its perfections. While bestowing merited praise on the public spirit of the Directors of the British Institution, for securing so noble a work to the British nation, the *Examiner* must not omit to do equal justice to Mr. West's liberality, and to his ardent attachment to the art whose dignity he so nobly sustains, by stating, that he had painted this grand work, the figures of which are as large as life, as a present to his native country, the United States of America, to be deposited in a spacious gallery erected for the purpose, and forming part of the Pennsylvania Hospital, in the city of Philadelphia. The retention of this magnificent work in London will not prevent the President from fulfilling his liberal views with respect to America and the Arts, for the picture is purchased by the Institution on condition that he be permitted to make an exact copy of it for the infant Republic. This circumstance constitutes an epocha in the Fine Arts, as it will infuse new vigor into the drooping Muse of Historic Painting in England, and will sow in the soil of American Art a seed of graphic emulation that cannot fail of being richly productive.

*Extract of a Letter from a Governor of the British Institution, on the advantages to be derived from the purchase of Mr. West's Picture.*

1. The retaining in this country the noblest specimen of Painting that has ever been produced in it.
2. The placing it hereafter in our expected National Gallery as the standard for any work of Art to be admitted there.
3. The supplying a very considerable increase to our present Fund for Annual Premiums in Historic Painting.
4. The inciting our young Artists to excellence, by giving such a public and honourable example of the reward of talent rightly directed.
5. The checking of the disposition to be satisfied with mediocrity, by shewing the striking difference between the value and credit of some indifferent Pictures and of this very fine one.
6. The effect produced on the public mind by the Exhibition of this Picture, in attracting interest, and inducing co-operation, in many individuals who have not yet duly appreciated the utility of the British Institution.

R. H.

#### MR. FLOWER'S REPLY TO COUNT ZENOBIO.

MR. FOX, MR. WHITBREAD, MR. ROSCOE, AND THE FRIENDS OF PEACE, VINDICATED AGAINST THE GROSS MISREPRESENTATIONS OF THE COUNT OF THE HOLY ROMAN EMPIRE.

*Destroy his FIN and SORISTRY in vain,  
The creature's at his dirty work again.—POPE.*

TO THE EDITOR OF THE EXAMINER.

SIR,—The chivalrous foreign Count, who, when in his war paroxysms, out-quizotes even Don Quixote, has had the effrontery to style my vindication of the memory of Mr. Fox an "infamous" attack on himself, and to term me an "absurd, stupid, scurrilous, deleterious libeller." As however I have an aversion to "wage war with Bedlam and the Mint," the only reply I shall condescend to make to all his ravings is—That when I shall stand convicted before the public of misrepresentation the most gross, of falsehood the most wilful, or of ignorance the most consummate, I hope I shall discover such a portion of modesty and humility, as not only to be content to be styled "infamous," but, after having asked pardon of the public I have so outraged, to retire to that obscurity so becoming a person in such an unhappy state.

As the Count's letter of the 24th ult. did not contain a syl-

lable in reply to the principal subject of my letter of the 15th—the vindication of Mr. Fox,—and as he promised your readers another letter on the following week, I waited with some little curiosity to see in what manner he could answer the demonstrative evidence I brought forward to prove that all his assertions respecting the conduct of that great Statesman, "his abhorrence of war bordering on weakness, and his conviction that it was impossible to make peace with France," were utterly groundless. I must do the Count the justice to say, that his totally declining to answer that evidence, may lead the public to indulge a hope, that, fortunately for himself, he does now and then enjoy a *lucid Interval*:—he most prudently and cautiously avoided uttering a syllable on the subject; at the same time he endeavoured to divert the attention of your readers from the main point in dispute, enlarged on topics at which I had not even glanced, and brought forward an additional mass of misrepresentation and falsehood against myself, as well as against others, who are as superior to the Count as angels are to reptiles.\*

Although, Sir, I had no otherwise expressed myself on the subject of the war, than to enter my protest against lavishing the remaining resources of this country in forming new Coalitions, to follow, as I am fully persuaded all such Coalitions must unavoidably do, the fate of those numerous blasted Coalitions which have disgraced Europe during the past twenty years, the Count has dared to assert, that "the gentle Bonaparte is the object of my admiration." That "this benevolent man" (B. F.) "feels no compassion for the thousand victims daily slaughtered in Spain, for the iniquitous purpose of forcing on them his brother as a sovereign, who is destitute of all right. No, all his tenderness he reserves for the remorseless perpetrator of the huge mass of most atrocious deeds." As I have not in my letter to the Count, nor indeed on any other occasion, uttered a sentiment which would warrant such reflections, your readers may form a tolerably correct idea of the candour and justice of a man who can thus charge another with want of feeling, or of possessing feelings, of whom he is totally ignorant, and which ignorance constitutes his only defence against the charge of wilful misrepresentation.

But what follows is much worse. The Count, amongst others of his gipsy prophecies, confidently declared "he was certain that all our statesmen who may be called to the Councils of the Prince Regent, will find it impossible to make peace with France," and that, finding this impossibility, "they will carry on the war with all the energies of this great nation." He then states the following language as proceeding from me. "No, no," says this pacific writer—"peace, give us peace, mighty Emperor!—prescribe your terms; forgive us our offences, good Bonaparte—receive our submission." The Count adds, "These are the sentiments of all writers of this cast—and of all those fools who cry out, what are we at war for?"—Again—"The puny politicians of the day say—what is the Continent to us:—Let Bonaparte do as he pleases, we shall remain snug at home till the tremendous storm, which is gathering from every part of the world, is bursting on our heads." I beg, Sir, that your readers would here carefully note, that the italic part of the above paragraph is marked by the Count with inverted commas, with the evident design of inducing them to believe, that he has stated my opinion in my own words: the remainder of the paragraph is marked in a similar manner, to induce them likewise to believe, that he has fairly quoted the sentiments of others. Now, Sir, I can on this occasion answer

\* Although the Count has made no reply to my vindication of Mr. Fox, in the *Examiner*, I perceive he has sent a short letter on the subject to the *Morning Chronicle*, (Jan. 23,) in which he remarks on an extract from my letter which the respectable Editor of that print copied in his paper of the 21st. The Count, however, only made bad worse, by asserting—"That Mr. Fox had the firmness to resist his own amiable feeling, his abhorrence of just war;—that in his negotiation with France he measured back his steps in time." Two assertions as false, and as injurious to the memory of that patriotic Statesman, as the rest of the Count's abominable misrepresentations.—But I will not put my sickle into another's harvest.

for myself, and I will venture to answer for those who are the peculiar objects of the Count's hatred, the friends of peace—that as we never harboured the sentiments imputed to us, it is impossible we should have ever uttered a word similar to those invented for us. Your readers will doubtless, from this specimen, form their own opinion of the mind of that man who can thus set truth completely at defiance.

The Count, after having libelled the memory of the illustrious Fox, and of the characters of the friends of peace in general, proceeds to take the most unwarrantable liberties with the characters of some of the most illustrious patriots who now adorn their country.—“Such groveling sentiments,” he adds, “do not harbour in the breasts of a Whitbread, a Burdett, or a Roscoe, however their kindly natures may render them adverse to war.” As I do not at this moment recollect what Sir Francis Burdett has said on this subject, I can only express my firm persuasion, that neither he nor any other man of “a kindly nature,” ever disgraced their characters by uttering sentiments similar to those of the Count. As to Mr. Whitbread and Mr. Roscoe, truth is not more opposite to falsehood, nor light to darkness, than their sentiments are to those of this famous modern crusader; and it affords me infinite satisfaction to reflect, that one main part of the business of my life has been to illustrate, to enforce, and to urge on the consideration of my countrymen, the opinions of these leaders of the friends of peace. In my former letter I adduced incontrovertible evidence to prove, that Mr. Whitbread was firmly of opinion, that in the year 1806 we might have procured peace with France on safe and honourable terms, and that Bonaparte was sincere in the professions he made on that occasion; and were it not for the fear of exceeding the usual limits allotted to your correspondents, I could multiply quotations from Mr. Whitbread's speeches delivered since that period, in which he has, in the most forcible manner, urged on our Ministers the duty of meeting the various overtures of France, and other powers, for peace, and of entering into negotiations for the purpose of obtaining that inestimable blessing. As to Mr. Roscoe, he has within these few months published his sentiments on the subject in a Letter to Lord Grey, in which he has reprobated with just severity the very opinions for which our Quixotic Count is such a furious champion. The charge, therefore, of wilful misrepresentation of the sentiments of Mr. Whitbread and Mr. Roscoe, can only be got rid of by the charitable supposition, and which I trust the Count will thank me for suggesting, that his frequent fits of war frenzy have made dreadful havoc with his retentive faculty, or that he has never read the speeches or the writings of these enemies to eternal war—of these best friends of their country.

I applied the word “sanguinary” to the disposition of the Count as it appeared in his first letter; and from the perusal of his two succeeding letters, I am confirmed in the propriety of the application. After seeing what we have seen, and hearing what we have heard for these twenty years past, after suffering as this nation, and indeed Europe in general, has suffered, and destitute of hope as every rational, impartial man must be of obtaining any of the professed objects of the contest by its continuance,—to find a man setting up the horrid yell of *eternal war*; war not only for *MANY YEARS*, but for *AGES*!—of what impenetrable, adamant kind of stuff such a man's heart must be composed, I confess I can scarcely form an idea.

I likewise observed, that “the rant of a bedlamite compared with that of the Count's on the subject of war, appeared to be rational.” His two last letters confirm me likewise in the correctness of my opinion. He in his first letter intimated to the people of this country, that their resources had not yet been sufficiently drawn forth, that when they are, Britain “will carry on the war with unexampled vigour, and on such liberal principles as to make it popular on the Continent;—that every thing bids us fair to hope for a successful termination of this arduous contest.”—We are in his other letters further assured, that although “the Despot of France remains master of the Continent, from Cape Nordé to Europa Point, commanding a population of one hundred millions, and all the means of equipping an immense navy, that Britain, who has already carried on the war for eighteen years, can easily carry it on for

*EIGHTEEN YEARS LONGER*, and that she possesses the full means, and the full force of mind, to carry it on, if necessary, for *AGES*!” All the experience of the past twenty years, and all that we have endured during that period, ought not to make us even pause! No! Our enormous debt and taxes; our increased paper circulation; our lost specie; our national bank unable to pay its notes; our multiplied bankruptcies; the report of our Bullion Committee; our perpetual defeats; our armies driven out of Spain to the extreme borders of Portugal, and compelled to act entirely on the defensive; the state of Ireland; our disputes with America; our numerous allies all ruined;—all these considerations are trifles “light as air.” The grand object of the nation, *coute qui coute*, must be—“vigorous war,” single-handed, for *EIGHTEEN YEARS*, yea, for *AGES*!!!—I appeal to your readers if the epithets I have applied are a whit too harsh!

But it seems that all our Statesmen, from Mr. Pitt to Mr. Perceval, have not yet displayed “the magnitude of the immense resources of Britain,”—that they have “done but little, and all but upon a pitiful scale.” No, Sir; they have only contracted about six hundred millions of debt; only increased our taxes fourfold; only augmented our annual expenditure to about eighty or ninety millions sterling! A very “pitiful” scale truly! But the Count's eye, like the poet's, “in a fine frenzy rolling,” surveys new and brightening prospects. “We are only to go and assist the people in driving away their oppressors, and *MILLIONS* will join our standards.” A most wonderful project, conceived on a truly grand scale, and which in my humble opinion exalts Count Ze: obio above even another foreign Count of glorious memory, that “most wonderful of all wonderful philosophers and conjurers,” (I borrow his own language) Count *Katterfelto*! But if the living Count, who was doubtless, in his own opinion at least, born for “the deliverance of Europe,” will descend from his altitudes, he will be so good as to inform us respecting one or two matters of some importance, about which we are at present totally in the dark. Where are we to go? To Quiberon Bay, to Holland, to Flanders, to Spain, or to what part of the Continent where we have not already been discomfited? Where are we to get the money to pay, not only our own forces, but the “millions” who are all waiting with such impatience to join your standards? If the Count will have the goodness to let Ministers into his secret for “the deliverance of Europe,” they will owe him infinite obligations, and will no doubt liberally reward so supereminent a statesman and deliverer. But he will just recollect that *paper* will do but little towards the accomplishment of his vast undertaking. It must be hard cash, as Mr. Huskisson, when apologising for the Walcheren Expedition, assured those Gentlemen of the House of Commons who were dwelling on the advantages which might have ensued from the same force being sent farther north, that “such an expedition would have required half a million of guineas in specie, and that it was impossible to raise such a sum.” And yet the Count assures us we can easily “carry on the war for *AGES*!”

In my former Letter I charged the Count with being “the advocate of the Pope of Rome, the Spanish and Portuguese Inquisitions, and the enemy of the religious liberties of the human race. Of the truth of this charge he has likewise afforded additional evidence. This *meeek, pious, venerable* Count, dreads truly all innovations on the established churches of Portugal and Spain and on the holy Inquisition; he deprecates the spread of the *dangerous* opinion that every man has a right to think for himself in matters of religion. The support of the tottering and falling churches and institutions of Popish ignorance, superstition, despotism and cruelty, is the object deeply impressed on his heart. Such are the “liberal and enlarged” principles which Britons are so strenuously exhorted to imbibe and to spread over Europe, and which is to make the war popular for *EIGHTEEN YEARS*, or even for *AGES* to come! But the sentiments of this champion of Monkish bigotry and of Popish intolerance, are, on this part of the subject, thank God, scouted by almost all descriptions of men in all countries; they are as ridiculous as they are depraved, and are of course unworthy even of refutation.

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I have to apologise, Sir, for the length of this Letter, which I hope you will excuse, as I may venture to assure you I shall not again trouble you on the subject. I shall leave the Count to finish his almost accomplished task of writing himself down completely. No doubt he will again return you his thanks for your "kindness in affording him another opportunity to triumph," by the insertion of this Letter, which triumph I hope will last somewhat longer than the last, as I perceive he was presently in such a terrible passion (poor Sir *Fretful Plagiary*, so tranquil one moment and so outrageous the next), that he even threatened to take the vengeance of the law against those who may in future think it worth while to follow me in the charitable task of administering a little moderate, and, I trust, wholesome chastisement. I shall make no remark on the insolence of a man who throws out a threat of prosecuting a writer whom you may not think an improper Correspondent for your Paper: the menace is indeed hurled against you, Mr. Examiner. This, it must be acknowledged, is rather an ungracious mode of displaying his gratitude to you "for your kind wishes" to give him "an opportunity to triumph," by selecting such "most stupid and absurd" Correspondents as myself and others to answer his Letters. But I conclude by subscribing my name at length, and thereby giving the Count of the Holy Roman Empire ample proof that his opinions and his threats alike affect me; the former I hold in supreme detestation, and the latter in supreme contempt.—I remain, Sir, your constant reader,

BENJAMIN FLOWER.

Harlow, Feb. 13.

P. S. I perceive a curious apology which the Count offers for his first Letter. He has, it seems, blundered so egregiously in writing it, as even to pervert his own sense, owing to a want of leisure to review his copy before he sent it to the press. Did ever writer before so insult the public? But we are, it seems, to be favoured with a more correct impression of that precious effusion. The public will however be apt to ask—*What have we to do with you or your crudities?* I hope, Mr. Examiner, your columns will not be degraded by being filled with two sets of the Count's effusions—the most correct will surely be sufficient.

#### MONSIEUR COLVILLE.

SIR,—I cannot withhold my expression of surprise, in common with many respectable and loyal men, that the Secret Committee appointed by the House of Commons to investigate this mysterious affair, should have studiously refrained from stating in their Report the particulars of the case. As an Elector, I am by no means satisfied with the conduct of my Representatives on this occasion. I perfectly well know there may be particular cases, which may render it necessary to appoint secret committees, because if a Committee of the whole House were appointed, the minute details would be publicly reported, which in many cases is equally injurious to the welfare of individuals, as unnecessary for the accomplishment of justice. There is, no doubt, much intricacy in this affair; the public curiosity and feeling were excited, and the people are much disappointed; not that their curiosity is to be satisfied, but that the Secret Committee should be induced to state, that there appeared sufficient cause for his arrest and subsequent detention, and omit to mention even one solitary reason for that detention! It is a beautiful feature in the laws of England, that as every man is free when he sets his foot on British ground, so is he amenable in the event of his violation of the law. It is also another beautiful feature, that the foreigner is equally protected by the laws, as the Englishman in his own country. We have a clause in our Great Charter which says, that "No man shall be taken and imprisoned, &c. except by the verdict of his peers;" and Blackstone, Lord Coke, and other eminent legal commentators say, that "a verdict of his peers" means "a jury of his equals," in that sphere of life in which he moves. Now why is this withheld from M. Colville? If it be replied, that a great legal character has said that an alien cannot in this case have the same

benefit as an Englishman, I say that Magna Charta and the Laws of England extend to all; for as all men are amenable to our laws when they arrive in England, so, being under the protection of the Sovereign, they have a right to the benefit of those laws. The late unfortunate Portuguese, named *Cardoza*, was tried and found guilty by an English Jury, and could any favourable circumstances have occurred, whereby his life might have been saved, or even had there been an error in the indictment, so as to make it not strictly legal, he would have had the benefit of that error, and his life would have been saved.—I certainly could have wished that this business was made public; not that I have any suspicion of the Committee having acted improperly, or even that they did not do their best, and that which seemed most advisable, but because M. Colville has been the object of much calumny, and the Report of the Committee is sufficient, in the opinion of many persons, to blast his character for ever! The Committee stated, "that so far from the regulations of the prison being severe upon him, they were of opinion that he was not sufficiently kept from strangers." The hint has been taken: *He now walks in a little yard, accompanied by a turnkey, who never leaves him until he locks him up again.*—I have now performed what I considered an imperative duty; your duty, Mr. Examiner, as a faithful journalist, will not be neglected; but I had nearly concluded without making one remark, to which I beg particularly to call your attention; I visited Cold Bath Fields Prison about three weeks since; I saw M. Colville; he appeared to me not more than twenty four years of age, but I am positive he cannot have attained thirty; and this is the youth whom LEWIS GOLDSMITH would injure, by stating him in his "*Anti-GALLICAN MONITOR*" to have been, to his certain knowledge, a companion of TRAITORS and a SPY for the last eighteen years!!!

GEORGE BUCKLER.

London, March 6, 1811.

#### THE LATE SIR FRANCIS BOURGEOIS.

SIR,—I read in your Paper of Sunday last a Letter addressed to you by a person signing himself A. O., who professes to have had a "seventeen years' acquaintance" with the late Sir Francis Bourgeois, and was much surprised and struck with the extent of the misinformation it contains. Your Correspondent assumes, that "legacies were left both to several friends and relations (whose circumstances are unfortunately not good) by an ample codicil," which "he calls upon Dulwich College which he has endowed, and upon the Lawyer who drew out the instrument which he did not live to sign, to publish, though they cannot act upon it."

Disliking exceedingly to be dragged into public view, and protesting against the right of any anonymous writer to do so, at the request of a friend, to whose judgment I am in the habit of paying the greatest deference, as a Member of Dulwich College, as one of Sir Francis Bourgeois' Executors, and speaking the sentiments of the person who stands in the same situation with myself, I step forward for once, and, as far as I am concerned, shall never again notice the subject.

What the person who is called "the Lawyer, who drew out the instrument," may think proper to do I know not, for I write this without there being any communication between us; but I have no doubt, from my knowledge of him, that he will act in this, as in all other respects, with the strictest honour and good sense. For myself I may say, that I would think an Executor who did publish an imperfect instrument, at the request of any person, much less at the request of one who appears in disguise, committed a gross violation of his duty. Be that however as it may, in the present instance there is no codicil, instrument, or writing, not even a memorandum of any kind, in existence, or ever has been, as far as I have been able to find out, after the strictest inquiries. That Sir Francis Bourgeois meant to have added a codicil to his will is most certainly true; but I understand from his Solicitor (for personally I know nothing about the matter) that his wishes were, in that respect, but partially known, and therefore tending to mislead

if published. I trust this statement will perfectly satisfy A. O. and your readers.

In respect to the character of a most amiable man, it will never suffer in the opinion of those who will be at the trouble accurately to inform themselves about it. He was undoubtedly "incapable of abandoning his relations to want, and of amusing his friends with assurances which he never intended to carry into effect!" And it may be supposed that I do not very patiently listen to the fables I hear in circulation. I assure you, Sir, I feel considerably for the disappointment of the just expectations of his relatives; and not a little for those friends who had a fair reason to anticipate his bounty; but I must confess I have been something surprised at the number who have put in their claims. To both one and the other, when applied to, I have always given every information in my power, and shall still be ready to do so; but again protesting against the right to be thrust forward into public notice.—I remain, Sir, your obedient servant.

THE WARDEN OF DULWICH COLLEGE.

### LAW.

#### COURT OF KING'S BENCH.

Wednesday, March 6.

GOLDEN v. ULYATE.

This was a feigned issue from the Court of Chancery, to try the legitimacy of the infant plaintiff, John Golden, who was unquestionably the child of John and Elizabeth Golden, both deceased; and the question was, whether the parents were legally married. Mr. Golden was a stone-mason, in Upper North-place, Gray's-inn-lane, who had amassed property to the amount of 30,000*l.* and who died suddenly without a will, leaving an only child, the present plaintiff, whose legitimacy was the question of this issue, and the defendant his nephew.—From the evidence adduced, it appeared that in 1800 the late Mrs. Golden (then Mrs. Langrish) left the family of Sir Philip Francis, whose daughters she attended, to live as housekeeper with Mr. Golden. Shortly after, Mr. Golden introduced her to his servants, and to his friends generally, as his wife. She was treated and received as such by every body till she died, in 1807. This was proved by Mr. Mason, stock-broker, Mr. Wilson, of Doughty-street, Mr. Flight, of Holborn, Dr. Sandeman, and many other respectable witnesses. Mrs. Golden's conduct, both before and after her marriage, had been strictly decorous: there was nothing of levity in her appearance or behaviour.—Mr. Golden, who died shortly after his wife, was considered a singular man, and he had lived with his former housekeeper, a Mrs. Rockett, in a state of concubinage.—The marriage, Mrs. Golden told her friends, had taken place in the country, but she had never mentioned the place. There was no witness to it, and although the most careful search had been made in London, Surrey, Sussex, &c. &c., no register could be discovered, notwithstanding a reward of 50*l.* had been offered for its production. Mr. Ulyate, as the nephew of Mr. Golden, would succeed to the property, if the legitimacy of the plaintiff was not established: and this was the question for the Jury, "Whether the unsuccessful search for the register did not repel the presumptive evidence of Mr. and Mrs. Golden's passing as man and wife?"—The Jury found their verdict for the plaintiff, upon which a shout of approbation was got up from the back of the hall.—The trial lasted from eleven o'clock in the morning till half-past eight in the evening.

Thursday, March 7.

SMEDLEY, WIDOW, v. ROBERTS.

This action was brought to recover the penalty of three times the amount of 8327*l.* 10*s.*, alleged to have been lent on usurious interest. It appeared from the evidence of Mr. J. Piddling, son-in-law of the plaintiff, that he had borrowed that sum of the defendants, and it was agreed on the 13th of December, 1809, to be continued to him till the 10th of January, 1810, on the security of 10,000*l.* Onium, which was to remain in

the hands of defendants, they making a payment of 10 per cent. on instalment of 1000*l.* due on the 15th of December, and receiving 3*s.* 8*d.* per cent. which was alleged to be more than 5 per cent. per annum, the legal interest on the loan.—There was no evidence of the payment of the instalment on the day fixed, and the Jury returned a verdict for the defendants.

### ACCIDENTS, OFFENCES, &c.

Tuesday night, a female was found hanging to the iron-rails of Devonshire-place, Paddington; a Gentleman of the Admiralty, who was returning home in his gig, first saw and cut her down, and after three hours' exertion, assisted by an Apothecary in the neighbourhood, succeeded in restoring animation. She was the next morning quite sensible, and assigned for a reason her extreme poverty; she had journeyed from Hereford on foot, without money, and had the day preceding walked 19 miles without subsistence.

A most atrocious instance of cruelty is related in an American Paper. A negro-woman, who had run away from a man named Sledd, to whom she had been hired, having been brought back, her inhuman master deliberately prepared a strong decoction of red pepper and tobacco, the woman was stripped and tied up, and having been scored and cut and bruised, was bathed and fomented with the decoction; she was then scored and cut again, and again fomented, and thus alternately, until Mr. Sledd's notions of necessary correction were completely glutted! The woman being then unbound, crawled to a small branch near the house, and then expired! The Counsel on the trial of Sledd maintained the master's right to correct the slave, and that there was no precise limit set for correction. He also maintained, that although death should ensue, yet, unless the determination of the master to kill, was plainly proved, the crime did not amount to or constitute murder. Sophistry was in this instance successful, and instead of being hung, Sledd was only sent to the Penitentiary for two years!!

EXECUTION.—Thursday morning, Ensign Hepburn and White, the drummer, were executed before the Debtor's Door, Newgate.—White came out first; he seemed perfectly indifferent at his awful fate, and continued adjusting the frill of his shirt, while he was viewing the surrounding populace.—About two minutes after, Hepburn made his appearance, but was immediately surrounded by the Clergyman, Jack Ketch, his man, and others, in attendance. The Executioner, at the same time, put the cap over Hepburn's face, which of course prevented the people from having a view of him. White seemed to fix his eyes repeatedly on Hepburn.—After a few minutes prayer, the miserable wretches were launched into eternity.—The Duke of Cumberland, Lord Sefton, Lord Yarmouth, and several other Noblemen, were in the Press Yard.

### DEATHS.

On Friday week the Right Hon. Charles Marsham, Earl of Romney, Viscount Marsham of the Mote, and Baron Romney. His Lordship was born in the year 1744, and in 1776 married the Right Hon. Lady Frances Wyndham, daughter of the late Earl of Egremont, by whom he has left one son and three daughters. He is succeeded in his title and estates by his only son, Charles, Lord Viscount Marsham.

Sunday morning Mrs. Elsworth, wife of a cheesemonger near Princes-street, Drury-lane, went to church in the morning and returned to dinner. She repented her visits to church again in the afternoon, and appeared apparently in good health. She eat her supper and went to bed, and in the morning was found dead by her husband.

Mr. Dalton, a stationer, in Abchurch-lane, in the city, dropped down dead, on Monday night, in Bloomsbury-square.

Last week, Mr. Smith, florist, in Covent-garden:—he was writing in his counting-house, when he dropped down with the pen in his hand, and instantly expired.

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